

In the  
**Indiana Supreme Court**

IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR SCOTT COUNTY )

Case No. 72S00-1406-MS- **433**



ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Scott Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Scott Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR72-CR 2.2-1 and LR72-AR 1-4 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR72-CR 2.2-1 and LR72-AR 1-4 for Scott Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective July 1, 2014. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Roger L. Duvall, Jr., Scott Circuit Court, One East McClain Avenue, #212, Scottsburg, IN 47170-1848; the Hon. Marsha Owens Howser, Scott Superior Court, One East McClain Avenue, #252, Scottsburg, IN 47170-1848; to the Clerk of the Scott Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Scott Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on June 25, 2014.

A handwritten signature in black ink, appearing to read "Brent E. Dickson".

Brent E. Dickson  
Chief Justice of Indiana

**LOCAL RULE NO. LR72-CR2.2-1**  
**ASSIGNMENT OF CRIMINAL CASES**

The Courts of Scott County, Indiana, adopt the following rules for the assignment of criminal cases and the selection of special judges in criminal cases:

(A) All cases wherein the most serious charge is Murder or a Class A, B, or C Felony or a Level 1, 2, 3, 4 or 5 Felony ~~or above~~ shall be filed in Circuit Court.

(B) All cases wherein the person is charged under Indiana Code title 9, Motor Vehicles, regardless of the class or level of felony offense shall be filed in Superior Court.

(C) All cases wherein the factual basis for the criminal charges, also, is the factual basis in the Circuit Court under Indiana Code 31-34 et. seq., Child In Need of Services, shall be filed in Circuit Court.

(D) All cases wherein a person is charged under Indiana Code Title 20, Compulsory School Attendance Law, shall be filed in Circuit Court.

(E) All juvenile delinquency cases shall be filed in Circuit Court and if there is a waiver from juvenile court into adult court, the case shall be filed in Circuit Court.

(F) All other criminal cases including Misdemeanors, Class D Felonies and Level 6 Felonies and infractions shall be filed in Superior Court.

(G) Any cases which may be joined by statute shall be treated as one case for purposes of determining which court shall be selected. The highest charge filed shall determine selection of the Court in which the charge is to be filed.

(H) When there is a recusal by the sitting Judge or when a motion for change of Judge has been granted, pursuant to Rule 13 of the Indian Rules of Criminal Procedure, the Clerk shall assign a judge randomly from the list of sitting and elected judges of the following Courts consisting of Courts in contiguous counties and Courts within the Administrative District:

1. Jennings Circuit Court
2. Jefferson Circuit Court
3. Jefferson Superior Court
4. Washington Circuit Court
5. Washington Superior Court
6. Jackson Superior Court 1

7. Jennings Superior Court
8. Jackson Superior Court 2
9. Jackson Circuit Court
10. Clark Circuit Court 1
11. Clark Circuit Court 2
12. Clark Circuit Court 3
13. Clark Circuit Court 4
14. Floyd Circuit Court
15. Floyd Superior Court 1
16. Floyd Superior Court 2
17. Floyd Superior Court 3

(I) In the event a case is dismissed and refiled, the Judge last having jurisdiction in the dismissed case shall be the judge in the new case.

(J) Criminal cases in the Scott Circuit Court or the Scott Superior Court for which there was a disposition prior to the date that the respective Judge of each Court assumed office, and for which there is filed a motion, pleading or notice of any nature, other than a petition for post conviction relief or a probation revocation proceeding, shall, if accepted, be transferred to or addressed by the other court or referred to a Senior Judge for further disposition or assigned to a new Judge pursuant to Section H of this Rule. A probation revocation proceeding in the Scott Superior Court, shall be heard by a senior judge assigned to the Scott Superior Court. A probation revocation proceeding which is declined by a senior judge or a petition for post conviction relief shall be assigned a new Judge pursuant to Section H of this Rule. A petition for post conviction relief or a probation proceeding in the Scott Circuit Court shall be assigned a new Judge pursuant to Section H of this Rule.

**LOCAL RULE NO. LR72-AR1-4**  
**ALLOCATION OF JUDICIAL RESOURCES**

(A). Not later than May 15 of each year, all regular Judges of the Scott Circuit and Superior Court shall meet, in person, telephonically, or other means, and shall evaluate each Court's caseload data, as reported to the Division of State Court Administration.

(B). The caseload evaluation shall factor in any special circumstances such as death penalty cases.

(C). Service as transfer judge or special judge. Time spent doing special or transfer judge service by each Judge outside his or her court and special judge service or transfer judge service in each Court shall also be included.

(D). Based upon the foregoing caseload evaluation for each court within the county, the designated Judge shall develop and maintain a roster reflecting the weighted caseloads of each court and the judicial officer need or surplus in each court. Any plan for adjustment of caseload should then compare that need or surplus to the utilization range established in Administrative Rule 1(E).

(E). Should the above said evaluation indicate that the weighted caseloads of any Court are not within the county range, the Judges shall adopt a plan whereby (a) case type filings are shifted, (b) causes are transferred between courts pursuant to I.C. 33-29-1-9, (c) Judges sit as Judge of the other court pursuant to I.C. 33-29-1-10, as to bring all courts within the range.

(F). Civil Cases: The Circuit and Superior Court will participate in open filing of all Civil Tort, Civil Plenary, Mortgage Foreclosure and Miscellaneous cases (CT, CP, PL, CC, MF, MI) except as provided by statute.

Other civil proceedings as identified by Rule 8 of the Indiana Administrative Rules shall be filed as follows:

1. Domestic Relations Cases: Divorce cases may be filed in either the Circuit or Superior Court (DR).
2. Small Claims: All Small Claims cases shall be filed in Superior Court (SC).
3. Mental Health: Mental Health cases shall be filed in Circuit Court, (MH).
4. Juvenile: Circuit Court shall have exclusive jurisdiction over all juvenile matters (JC, JD, JS, JT, JP, JM).
5. Probate, Guardianships and Estates: Circuit court shall have exclusive jurisdiction over all Adoption, Guardianship, Trust and Estate (supervised and unsupervised) proceedings (AD, ES, EU, EM, GU, TR).
6. Reciprocal Support Cases: Circuit Court shall have exclusive jurisdiction in Reciprocal Support Cases (RS).
7. Ordinances: Ordinance violations shall be filed in the Superior Court, (OV, OE).

(G). Any action involving a land contract as defined in I.C. 24-4.4-1-301(36) shall be filed as a civil action and not as a small claims case.

(H). Proceedings for an order of protection under I.C. 34-26-2-1 et. seq., (PO) shall be filed on an alternating basis between the Circuit and Superior Courts, with the exception that the protective order proceeding shall be filed in the court where there is a pending dissolution (DR) or paternity (JP) case. The Clerk of Courts shall inquire of a petitioner if such dissolution or paternity case is pending in this county or any other county before assigning the case to a court. Prior to referring a petitioner in a protective order proceeding to the appropriate court, the Clerk of Courts shall review the petition as to the completion of that petition to insure that the petition contains all appropriate and available information.